

**JORDEN BURT**

1025 Thomas Jefferson Street, N.W.  
 Suite 400 East  
 Washington, D.C. 20007-5208  
 (202) 965-8100  
 Fax: (202) 965-8104

**MEMO ENDORSED**

777 Brickell Avenue  
 Suite 500  
 Miami, FL 33131-2803  
 (305) 371-2600  
 Fax: (305) 372-9928

WALDEMAR J. PFLEPSSEN, JR.  
 (202) 965-8133  
 WJP@JORDENUSA.COM

175 Powder Forest Drive  
 Suite 301  
 Simsbury, CT 06089-9658  
 (860) 392-5000  
 Fax: (860) 392-5058

November 21, 2012

**VIA EMAIL AND FACSIMILE TRANSMISSION**

Honorable James C. Francis  
 United States Magistrate Judge  
 United States District Court  
 Southern District of New York  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007-1312

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Re: *Martin Fleisher, et al. v. Phoenix Life Insurance Co.*, 11 Civ. 8405 (CM) (JCF)

Dear Judge Francis:

Please be advised that with regard to the discovery motions filed by plaintiffs' counsel earlier this week, counsel for the parties and for non-party Towers Watson have agreed that oppositions shall be filed on or before December 5, 2012, and replies shall be filed on or before December 12, 2012. We would appreciate Your Honor advising us if this schedule is approved, or of any alternative schedule that may be set. Thank you for your assistance in this matter. May you and your staff have a Happy Thanksgiving holiday.

Respectfully submitted,

Waldemar J. Pflepsen, Jr.  
*Counsel for Defendant*  
*PHL Variable Insurance Company*

cc: All Counsel of Record (via electronic mail)

11/21/12  
*This schedule is adopted.*

*SO ORDERED.*

Jorden Burt LLP  
[www.jordenburt.com](http://www.jordenburt.com)

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